

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re: Methyl Tertiary Butyl Ether ("MTBE")
Products Liability Litigation
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**Master File No. 1:00-1898
MDL NO. 1358 (SAS)
M21-88**

This Document Relates To:

*Orange County Water District v. Unocal
Corporation, et al.*, S.D.N.Y. No. 04 Civ. 4968
(SAS)
-----X

Declaration of Natasha Molla

DECLARATION OF NATASHA MOLLA

I, Natasha Molla, do hereby declare under penalty of perjury as follows:

1. My name is Natasha Molla. I am over the age of 21 and am fully competent to make this Declaration. This Declaration is based on my personal knowledge of the matters set forth herein, all of which are true and correct.
2. I am the Team Leader for Chevron Environmental Management Company's Retail and C&I-Southwest Team, which is part of the Marketing Business Unit. In this position, I am responsible for overseeing and supervising environmental projects related to Chevron's current and former retail stations in the Southwest United States, including the State of California.
3. Remediating gasoline constituents (including MTBE and TBA) is an iterative process. Drilling monitoring wells and analyzing data from those wells is a core aspect of this process. The monitoring wells and data allow the consultants and regulators to determine the contours and characteristics of a gasoline release, and whether that release threatens drinking water. After analyzing current and historical data, the consultants and/or regulators may determine that additional monitoring wells or different remediation is necessary. Often times, these decisions are made years after the last monitoring well was drilled.
4. For example, at Chevron #9-5401 (a Leaking Underground Storage Tank site since 1996), the remediation consultants recently performed Enhanced Fluid Recovery (EFR) from April to October 2008 for the first time. Because of those activities, and because of increased concentrations within several wells, Chevron is now proposing eight additional EFR events at this site. These recent past events and the proposed future events are discussed in the recent remediation reports submitted to the Orange County Health Care Agency. *See, e.g.*, Jan. 26, 2009 Fourth Quarter Groundwater Monitoring and Status Report for Chevron #9-5401 attached as Ex. 1 (excerpts).

5. I am informed that an employee of Plaintiff Orange County Water District seeks to draw a distinction between monitoring wells installed "for the purpose of plume delineation" and those "appeared to be placed to detect MTBE escaping remediation." For the reasons stated above, this is not correct as to sites being addressed by Chevron. Whenever a well is installed or sampled, the data which is produced is used to determine the contours and characteristic of a gasoline release and is evaluated as part of decisions whether additional monitoring wells or different remediation is necessary. Where new information developed from one or more wells at the site indicates that an adjustment to the remediation measures should be made, appropriate action can be taken, as illustrated by the example of Chevron #9-5401.

I declare under penalty of perjury that the forgoing is true and correct. Executed on June 15, 2009.



Natasha Molla

Exhibit 1

January 26, 2009

Reference No. 632288

Julie Wozencraft
Orange County Health Care Agency
Environmental Health Division
1241 East Dyer Road, Suite 120
Santa Ana, California 92705-5611

Re: Fourth Quarter 2008 Groundwater Monitoring and Status Report
Chevron Service Station 9-5401
5992 Westminster Boulevard
Westminster, California 92683
Case # 96UT035

Dear Ms. Wozencraft:

On behalf of Chevron Environmental Management Company (Chevron), Conestoga-Rovers & Associates (CRA) is submitting this *Fourth Quarter 2008 Groundwater Monitoring and Status Report* for the active Chevron Service Station 9-5401 located at 5992 Westminster Boulevard in Westminster, California (site). This report presents an abbreviated site summary, an explanation of the current quarter's activities, and a description of upcoming activities for first quarter 2009.

SITE BACKGROUND

Site Description: The site is located on the southwest corner of Westminster Boulevard and Springdale Street in Westminster, California (Figure 1). The site is an active station consisting of a station building, three gasoline underground storage tanks (UST), one diesel UST, and three product dispenser islands (Figure 2). The surrounding properties are commercial and residential. Directly across Westminster Avenue, to the north, is a former Shell Service Station, Orange County Local Oversight Program (OCLOP), case number 93UT052, and northeast across the intersection is a former Exxon service station OCLOP case number 92UT067.

Site Geology and Hydrogeology: The site is approximately 29 feet above mean sea level (msl)¹. The site is underlain by poorly graded sand, silt, and clay. A 6 to 9 foot thick clay layer exists approximately 21 feet below ground surface (fbg), which is underlain by sand and silty sand. It

¹ United States Geological Survey (U.S.G.S.), 1981, Los Alamitos Quadrangle, California-Orange County, 7.5-Minute Series (Topographic); Scale 1:24,000.

is likely that this clay layer is a confining or partially confining layer creating two distinct groundwater zones, the upper water-bearing zone, Zone 1, and the lower water-bearing zone, Zone 2. Historical depths to groundwater in Zone 1 have ranged from 7.14 to 12.42 fbg and from 8.00 to 22.60 fbg in Zone 2.

GROUNDWATER GAUGING AND SAMPLING

Groundwater Monitoring: On December 11, 2008, Blaine Tech Services (BTS) gauged monitoring wells MW-1 through MW-14 and DW-01 through DW-03. MW-16 was inaccessible. BTS sampled monitoring wells MW-2 through MW-14. Copies of the BTS field data sheets, waste manifest, and permit to work are included with the enclosures. Groundwater samples were submitted for analysis to Lancaster Laboratories of Pennsylvania, a California state-certified laboratory. Groundwater samples were analyzed for total petroleum hydrocarbons as gasoline (TPHg), benzene, toluene, ethylbenzene, total xylenes (BTEX), and fuel oxygenates using Environmental Protection Agency (EPA) Test Method 8260B. Post-purge geochemical parameters used to evaluate natural attenuation processes (dissolved oxygen (DO), oxygen reduction potential (ORP), and ferrous iron) were measured during field sampling. Sulfate and nitrate nitrogen content were analyzed using EPA Test Method 300.0.

Groundwater Results: Groundwater elevations this quarter ranged from 16.49 to 22.93 feet above msl in Zone 1, and 11.31 to 11.78 fbg in Zone 2. Groundwater flow direction in Zone 1 is west-southwest and has a gradient of 0.04 foot per foot (ft/ft). Groundwater flow direction in Zone 2 is southwest and has a gradient of 0.004 ft/ft. Groundwater elevations and general flow directions for Zone 1 and Zone 2 are illustrated in Figures 3 and 4. Abbreviated analytical data for the current quarter is presented (below) in Table A.

Current groundwater analytical data is presented in Table 1 and included in the historical groundwater analytical data in Table 2. Monitoring well construction details are included in Table 3. CRA has prepared isoconcentration maps for TPHg, benzene, methyl tertiary butyl ether (MTBE), and tertiary butyl alcohol (TBA) which are included as Figures 5 through 8. The laboratory analytical report is included with the enclosures. CRA has uploaded this report and data from this quarter's sampling event to the state database, GeoTracker.

Table A - Fourth Quarter 2008 Sampling Data					
Well ID	Groundwater Elevation (ft-msl)	TPHg ($\mu\text{g/L}$)	Benzene ($\mu\text{g/L}$)	MTBE ($\mu\text{g/L}$)	TBA ($\mu\text{g/L}$)
DW-01	10.62	--	--	--	--
DW-02	10.37	--	--	--	--
DW-03	10.38	--	--	--	--
MW-1	16.53	--	--	--	--
MW-2	18.00	25 J	<0.5	14	<2
MW-3	16.56	<22	<0.5	2	<2
MW-4	19.14	200	<0.5	2	3,100
MW-5	20.15	<22	<0.5	<0.5	<2
MW-6	20.59	<22	<0.5	3	<2
MW-7	20.64	23 J	<0.5	13	<2
MW-8	20.24	<22	<0.5	14	<2
MW-9	19.04	200	<0.5	59	2,900
MW-10	19.51	3,500	180	<0.5	12
MW-11	20.15	<22	<0.5	3	<2
MW-12	19.77	<22	<0.5	0.9 J	6
MW-13	20.03	260	18	<0.5	29
MW-14	19.77	1,900	330	<0.5	94
MW-16	--	--	--	--	--

NATURAL ATTENUATION PARAMETERS

Current and historical natural attenuation parameters are presented in Table 4. A summary of natural attenuation parameter data for this quarter is presented (below) in Table B.

- Since third quarter 2008, DO has decreased in MW-4 and MW-5.
- DO increased in MW-9.
- ORP decreased in MW-9.

Since October 2006, DO concentrations in groundwater have generally decreased in all wells. Overall ORP values have decreased across the site; although, not in every well. These data suggest the groundwater at this site has the necessary electron receptors, inorganic constituents, and microbial consortia to facilitate the biodegradation of petroleum hydrocarbons via denitrification, iron reduction, in addition to ongoing sulfate reduction. Other processes may also be contributing to the degradation of petroleum hydrocarbons in groundwater.

Table B – Fourth Quarter 2008 Natural Attenuation Parameters Data					
Well ID	DO (mg/L)	ORP (mV)	Nitrates (mg/L)	Sulfates (mg/L)	Iron (mg/L)
DW-01	--	--	--	--	--
DW-02	--	--	--	--	--
DW-03	--	--	--	--	--
MW-1	--	--	--	--	--
MW-2	3.21	38	3,200	217,000	0.0
MW-3	0.98	73	<250	242,000	0.0
MW-4	0.45	73	<250	188,000	0.0
MW-5	1.03	85	7,300	132,000	0.0
MW-6	1.04	71	<250	219,000	0.0
MW-7	0.77	2	370 J	262,000	0.0
MW-8	0.71	19	<250	395,000	0.0
MW-9	0.44	-34	<250	623,000	0.8
MW-10	0.29	-87	<250	39,600	1.8
MW-11	1.55	48	2,900	293,000	0.0
MW-12	0.37	27	<250	278,000	0.0
MW-13	0.45	-57	<250	156,000	0.8
MW-14	0.41	-108	<250	40,300	1.2
MW-16	--	--	--	--	--

UPCOMING ACTIVITIES

Quarterly Groundwater Sampling: During first quarter 2009, BTS will gauge and sample the groundwater wells, and submit the collected samples to a state-certified laboratory for analysis. Once final laboratory reports are received, CRA will submit a quarterly report documenting site activities and analytical results to the OCHCA.

Over-purge Events: CRA conducted eight Enhanced Fluid Recovery (EFR) events on MW-4, MW-9, MW-10 and MW-14 beginning on April 24, 2008 and ending on October 13, 2008. CRA is proposing additional EFR events at this site based on the increased concentrations within several wells. We believe that these increases are a direct result of the EFR effort and this method is effective in removing dissolved-phase hydrocarbons. A schedule of the proposed EFR events is included in the Corrective Action Plan (CAP).

January 26, 2009

Reference No. 632288

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Corrective Action Plan: In a letter dated December 19, 2008, the OCHCA requested a CAP for this site detailing the results of prior remedial activities and recommendations for alternative remedial actions. CRA will submit a CAP during first quarter 2009. The CAP will propose the usage of EFR for eight more events or until a decreasing trend in groundwater is observed. Once a decreasing trend is observed CRA will monitor concentrations and natural attenuation parameters, and utilize a risk based analysis to evaluate closure.



**CONESTOGA-ROVERS
& ASSOCIATES**

January 26, 2009

Reference No. 632288

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CLOSING

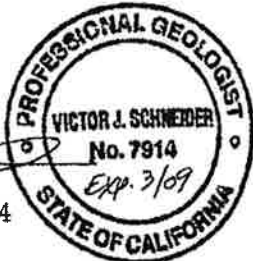
CRA appreciates the opportunity to work with the OCHCA on this project. Please contact Derek Wilken or Jim Schneider at (949) 648-5200 if you have any questions regarding this site or require additional information.

Respectfully submitted,

CONESTOGA-ROVERS & ASSOCIATES

Derek Wilken
Derek Wilken, GIT

Jim Schneider
Jim Schneider, PG 7914



CW/mlp/2
Encl.

Figures 1	Vicinity Map
Figures 2	Site Plan
Figures 3	Groundwater Contour Map (Zone 1)
Figures 4	Groundwater Contour Map (Zone 2)
Figures 5	TPHg Isoconcentration Map
Figures 6	Benzene Isoconcentration Map
Figures 7	MTBE Isoconcentration Map
Figures 8	TBA Isoconcentration Map
Tables 1	Current Groundwater Analytical Data
Tables 2	Historical Groundwater Analytical Data
Tables 3	Well Construction Details
Tables 4	Natural Attenuation Parameters
Attachment A	BTS Field Data Sheets, Waste Manifest, and Permit to Work
Attachment B	Laboratory Analytical Report

cc: Stacie H. Frerichs, Chevron Environmental Management Company
Tom Mbeke-Ekanem, Santa Ana Regional Water Quality Control Board